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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,964	03/26/2004	Jayanta Kumar Dey	99-851CON1	9817

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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,964	<b>Applicant(s)</b> DEY ET AL.	
	<b>Examiner</b> Chau Nguyen	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/26/04&amp;06/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. Claims 1-26 are presented for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 06/28/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Double Patenting***

3. Claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application is unpatentable under the judicially created doctrine of "obviousness-type" double patenting with respect to claims 1-8, 10-19 and 21-22 of parent U.S. Patent No. 6,757,866.
4. Application claims 1, 3-8, 11-14, 16-21, and 24-26 define an obvious variation of the invention claimed in US Patent No. 6,757,866.

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5. Claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application is anticipated by patent claims 1-8, 10-19 and 21-22 (U.S. Patent No. 6,757,866) in that claims 1-8, 10-19 and 21-22 contain all the limitations of claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application. Claims 1, 3-8, 11-14, 16-21, and 24-26 of the instant application therefore are not patently distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-16 and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (Wistendahl), US Patent Number 5,708,845 and further in view of Barr et al. (Barr), US Patent Number 5,873,076.

8. As to independent claims 1 and 14, Wistendahl discloses a method for finding documents which relate to a portion of a temporal document, comprising:

(a) in response to a signal of interest at a particular time during the temporal document, identifying a portion of the temporal document for which related documents

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are to be found (Wistendahl et al., col. 2, lines 41-58, col. 3, lines 38-48, and col. 7, lines 55-59, and col. 8, lines 38-67: as the movie runs, the user can point the remote control pointer to a designated actor or object appearing on the television display and click on the desired object);

(b) selecting text associated with the portion of the temporal document identified (col. 7, lines 49-63 and col. 8, lines 38-65: user clicking on the movie "The Maltese Falcon");

However, Wistendahl do not teach (c) finding the related documents by use of information retrieval techniques as applied to the selected text, wherein the related documents are selected from a collection of documents according to scores associated with the documents, said scores based on a ratio between the number of documents in the collection and, for a term in the selected text, the number of documents in the collection containing the term. In the same field of endeavor, Barr et al. disclose a searching/retrieval system which can query a library or database and identify not only text documents, but also multi-media files stored on the library or database that are relevant to query (col. 2, line 59 – col. 3, line 54). Barr et al. also disclose accepting a query and returning a single search results list having both text and multi-media information (temporal document), and query server performs a relevance ranking on each of the textual documents and multi-media files identified by the search by generating a relevance score corresponding to each of the entries on the search result list, and this relevance is based on the term location information contained in index database, and in part on the relative proximity within the document file of terms forming

the search query (col. 13, lines 30-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wistendahl and Barr to include finding the related documents by use of information retrieval techniques as applied to the selected text, wherein the related documents are selected from a collection of documents according to scores associated with the documents, said scores based on a ratio between the number of documents in the collection and, for a term in the selected text, and number of documents in the collection containing the term. Barr suggests that assigning scores associated with documents identified during a query search would indicate the degree to which the document relates to the subject.

9. As to dependent claims 2 and 15, Wistendahl and Barr disclose wherein the temporal document is video or audio material (Wistendahl, col. 7, lines 49-63).

10. As to dependent claims 3 and 16, Wistendahl and Barr disclose wherein the video material is stored on a video server inasmuch as this element is inherent in the teaching of large digital libraries transmitted to subscribers. (Wistendahl et al., col. 6, line 58, col. 7, line 6.)

11. As to dependent claims 5 and 18, Wistendahl and Barr disclose wherein the selected text is the closed-captioned text associated with the portion of the temporal

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document identified (Wistendahl et al., col. 7, lines 55-59: the selected text is pop-up movie trivia, which is the equivalent of close-captioned text.)

12. As to dependent claims 6 and 19, Wistendahl and Barr disclose the temporal document including text as discussed above regarding claims 5 and 18.

13. As to dependent claims 7 and 20, Wistendahl and Barr disclose wherein the document text appearing to the user varies with time and the selected text is that portion of the temporal document identified (Wistendahl et al., col. 7, lines 53-59).

14. As to dependent claims 8 and 21, Wistendahl and Barr disclose wherein the document text includes news bulletins, weather, sports scores or stock transaction or pricing information (Barr et al., col. 31, line 43 – col. 32, line 21).

15. As to dependent claims 9 and 22, Wistendahl and Barr disclose wherein the related documents are accessed through the Internet (Wistendahl et al., col. 5, lines 14-15. and Barr et al., col. 8, line 50 – col. 9, line 22).

16. As to dependent claims 10 and 23, Wistendahl and Barr disclose further including selecting the related documents from among a collection of documents which may be accessed through the Internet, by utilizing databases comprising information

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about the collection (Wistendahl et al., col. 5, lines 14-15; col. 8, lines 66-67 and Barr et al., col. 8, line 50 – col. 9, line 22).

17. As to dependent claims 11 and 24, Wistendahl and Barr do not teach, but it would have been obvious to one of ordinary skill in the art to implement, selecting a predetermined number of documents, 1000, because it was well known in the art to limit search results to a predetermined number and one of ordinary skill in the art would have recognized that this provided the benefit of not overwhelming the user, and moreover would have recognized that 1,000 documents was an upper limit of the number of documents that could comfortably be retrieved.

18. As to dependent claims 12 and 25, Wistendahl and Barr disclose wherein evaluating documents in the collection includes accessing compressed document surrogates (Barr et al., col. 14, lines 29-51 and col. 28, lines 13-37).

19. As to dependent claims 13 and 26, Wistendahl and Barr disclose wherein related documents are selected from the collection by a server which is distinct from the server which receives the signal of interest (Barr et al., col. 8, line 50 – col. 9, line 22: session server 114 for receiving a search query from user and server 116 for sending search results information).



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20. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as al. (Barr), US Patent Number 5,873,076 as discussed in claims 1-3, 5-16 and 18-26 above, and further in view of Witteman, US Patent Number 6,243,676.

21. As to dependent claims 4 and 17, Wistendahl and Barr, however, do not explicitly disclose wherein the selected text is determined by application of speech recognition techniques to the audio component of the portion of the temporal document identified. Witteman discloses when a word or phrase (text) has been identified, the word or phrase is sent to the speech recognizer to search recent audio feeds for that word or phrase (Abstract and col. 4, lines 49-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings Witteman Wistendahl, Barr to include the selected text is determined by application of speech recognition techniques to the audio component of the portion of the temporal document identified. Witteman's system provides text feed which is searchable and aligned with the audio feed so the user can search for the item of interest and can either read the text feed or listen to the audio feed.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen  
Patent Examiner  
Art Unit 2176

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*4/12/2006*